

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

BILL LIETZKE,)
)
Plaintiff,)
)
v.) CIV. ACT. NO. 2:21-cv-206-ECM
)
CITY OF BIRMINGHAM, AL, *et al.*,)
)
Defendants.)

MEMORANDUM OPINION and ORDER

On May 3, 2023, the Magistrate Judge recommended that this case be dismissed. (doc. 9). On May 16, 2023, the Plaintiff filed a document styled as an “Order of Disqualification of Magistrate Judge Jerusha T. Adams Order Entering Default Judgement against Defendants Order Overruling Recommendation of the Magistrate Judge and Order to Show Cause” which the Court construes as Objections to the Recommendation. (doc. 10). The Court has carefully reviewed the record in this case, the Recommendation of the Magistrate Judge, and the Plaintiff’s objections. Upon an independent review of the record, and for good cause, it is

ORDERED as follows:

1. The Plaintiff’s Objections (doc. 10) are OVERRULED.
2. The Recommendation of the Magistrate Judge (doc. 9) is ADOPTED.
3. The Plaintiff’s § 1983 claim is DISMISSED with prejudice and without an opportunity to amend pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a

claim upon which relief can be granted and as frivolous pursuant to § 1915(e)(2)(B)(i).

4. Pursuant to § 1406(a), and alternatively, § 1404(a), the Plaintiff's remaining state law claim for false imprisonment is TRANSFERRED to the United States District Court for the Northern District of Alabama.

5. The Plaintiff is DECLARED a vexatious litigant.

6. The Plaintiff is PROHIBITED from proceeding *in forma pauperis* in this District against these Defendants with respect to any cause of action arising out of the incidents that form the basis of his Complaint in this case. Any such cases filed against these Defendants in this District shall be subject to summary dismissal with prejudice for failure to comply with court orders, and may also be subject to other sanctions for violation of court orders.

7. Any future *in forma pauperis* motions the Plaintiff files in this District shall be accompanied by a sworn, notarized affidavit, stating whether he has ever filed any lawsuits in any court arising out of the same incident(s), acts(s), or occurrence(s) as are implicated in the complaint on which he seeks to proceed *in forma pauperis*. If he has filed any related lawsuits, he must include in his signed, notarized affidavit the name of the court(s) where each such lawsuit was filed, the case number of the related case(s), and the status of the related litigation. He must also attach to his sworn, notarized affidavit (1) a current copy of the docket sheet for each such case and (2) a copy of each and every complaint that he has filed in any such case. Any such attached copy of a complaint shall bear the dated "filed" stamp of the Clerk of

the Court in which it was filed, or it shall bear the mark of the CM/ECF (PACER) system showing that it is a copy of the complaint that is in the official court record. Failure to follow these instructions shall result in denial of the motion to proceed *in forma pauperis* and may result in dismissal of the case with or without prejudice for failure to comply with the Court's orders.

DONE this 21st day of August, 2023.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE